1 2 3 4 5 6 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON, 7 AT SEATTLE 8 FLETCHER ENTERPRISES, INC., Cause No. 2:24-cv-1693 9 Plaintiff, **NOTICE OF REMOVAL** 10 VS. 11 WEST AMERICAN INSURANCE COMPANY, 12 Defendant. 13 14 TO: Clerk, U.S. District Court for the Western District of Washington; 15 AND TO: Plaintiff, by and through their attorney of record. 16 PLEASE TAKE NOTICE that Defendant West American Insurance Company ("West 17 American") hereby removes to this Court the state court action described below on the grounds 18 stated herein. 19 On or about September 12, 2024, Plaintiff Fletcher Enterprises, Inc. 1. 20 ("Fletcher") filed a civil action in the Superior Court of the State of Washington for King 21 County, which was assigned cause number 24-2-20720-1. Copies of the Summons and the 22 Complaint are attached hereto as Exhibit A. 23

SOHA & LANG, P.S. ATTORNEYS AT LAW 1325 FOURTH AVENUE, STE 940 SEATTLE, WASHINGTON 98101 (206) 624-1800/FAX (206) 624-3585

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2. West American was served the Complaint and Summons via the Insurance Commissioner on or about September 16, 2024.

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I. PARTIES

- 3. In the Complaint, Plaintiff allege that they are a Washington corporation with principle place of business in King County, Washington, and that West American is an insurance company doing business in Washington.
- 4. Defendant West American is an Indiana corporation with principle place of business in Massachusetts.

II. AMOUNT IN CONTROVERSY

- 5. In the Complaint, Plaintiff alleges they had a commercial liability insurance policy issued by West American. Plaintiff further alleges that West American improperly denied coverage for an underlying lawsuit against Plaintiff before reversing course. Plaintiff's complaint alleges causes of action against West American for breach of contract, insurance bad faith, violation of the Washington Consumer Protection Act ("CPA") and violation of the Insurance Fair Conduct Act ("IFCA").
- 6. In the Complaint, Plaintiff alleges that, as a result of West American's denial and reversal, Plaintiff paid attorney fees totaling \$5,995.84. Plaintiff also alleges they received an adverse ruling in arbitration totaling \$66,169.79, for total underlying alleged damages of at least \$72,165.63.
- 7. Plaintiff's Complaint pleads a claims under IFCA and CPA, and seeks treble and increased damages under the statutes.
- 8. Plaintiff's Complaint also seeks an award of attorney fees in an unspecified amount.

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9. Based on the damages alleged by Plaintiff and the operation of their claims, Plaintiff's damages alleged in the Complaint exceed \$75,000.

III. JURISDICTION

- 10. For purposes of determining jurisdiction under 28 U.S.C. § 1332, Plaintiff is a corporation of the state of Washington. Defendant West American is a corporation of the States of Indiana and Massachusetts. As such, there is complete diversity of citizenship between Plaintiff and Defendant.
- 11. The amount in controversy exceeds \$75,000, exclusive of interest and costs, the minimum jurisdictional amount under 28 U.S.C. § 1332.
- 12. This Court, therefore, has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441.
- 13. Venue is also proper in this District pursuant to 28 U.S.C. §§ 128(a) and 1441(a) because this District encompasses King County in which plaintiff filed the state court action that is the subject of removal.

IV. TIMELINESS

- 14. Plaintiff filed its Complaint on September 12, 2024. Plaintiff served Defendant West American via the Washington State Insurance Commissioner on September 16, 2024.
- 15. This Notice of Removal, filed on October 16, 2024, is timely under 28 U.S.C. § 1446.

V. COPIES OF PROCESS, PLEADINGS, AND ORDERS IN STATE COURT PROCEEDING

16. In accordance with 28 U.S.C. § 1446(a) West American will file with this Court copies of all pleadings on file in the state court proceeding.

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1	17. West American will give written notice of the filing of this Notice to Plaintiff
2	through their counsel of record, as required by 28 U.S.C. § 1446(d).
3	18. A copy of this Notice will be filed with the Superior Court of Washington for
4	King County as required by 28 U.S.C. § 1446(d).
5	19. By seeking removal, West American does not waive any defenses, including,
6	but not limited to, lack of personal jurisdiction, insufficiency of process, or service of process.
7	WHEREFORE, Defendant West American provides notice that this action is removed
8	to the United States District Court for the Western District of Washington, pursuant to 28
9	U.S.C. §§ 1441 and 1446, and that the Superior Court of Washington for King County shall
10	proceed no further in King County cause number 24-2-20720-1.
11	DATED this 16th day of October, 2024.
12	SOHA & LANG, P.S.
13	s/ Paul Rosner
14	Paul M. Rosner, WSBA # 37146
15	<u>s/ Ben Helford</u> Benjamin K. Helford, WSBA # 46960
16	rosner@sohalang.com; helford@sohalang.com
17	1325 Fourth Avenue, Suite 940 Seattle, WA 98101-2570
18	Telephone: 206-624-1800 Facsimile: 206-624-3585
19	Attorneys for Defendant
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CERTIFICATE OF SERVICE

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I am employed in the County of King, State of Washington. I am over the age of 18 and not a party to the within action; my business address is SOHA & LANG, PS, 1325 Fourth Avenue, Suite 940, Seattle, WA 98101-2509.

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On this day, I served a true and correct copy of NOTICE OF REMOVAL on parties in this action via CM/ECF Notification:

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Franklin D. Cordell Miles C. Bludorn Gordon Tilden Thomas & Cordell LLP 600 University Street, Suite 2915 Seattle, WA 98101 Email: fcordell@gordontilden.com

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mbludorn@gordontilden.com

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Dated this 16th day of October, 2024

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s/Angela Murray

Angela Murray Legal Assistant

> SOHA & LANG, P.S. ATTORNEYS AT LAW
>
> 1325 FOURTH AVENUE, STE 940 SEATTLE, WASHINGTON 98101 (206) 624-1800/FAX (206) 624-3585